

To: Press[Press@epa.gov]
From: Victoria Uren
Sent: Fri 1/5/2018 9:02:28 PM
Subject: Harper's Magazine Inquiry: EPA Budget Questions
[EPA privacy booth Acoustical Solutions transaction record.pdf](#)

Hello,

I am writing to confirm some financial details concerning two recent EPA contracts.

First, can you verify that a \$24,570 contract was signed with Acoustical Solutions, LLC in August 2017? I have attached a copy of the USASpending.gov transaction record – do you mind confirming that the characterization of the product as "privacy booth for the administrator" is correct?

Second, can you also verify the amount of the contract that was signed between the EPA and Definers, the public-relations company based in Arlington?

I am on a rushed deadline, so if you could come back to me by midday Monday, 1/8, that would be most appreciated. Please don't hesitate to reach out for clarification or further information.

Many thanks for your help. Regards,

Victoria Uren
Editorial Assistant
Harper's Magazine
666 Broadway, 11th floor
New York, NY 10012
north@harpers.org
+1(212) 420-5753

To: Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Palich, Christian[palich.christian@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]
From: Lyons, Troy
Sent: Tue 12/19/2017 4:15:17 PM
Subject: FW: Letter to Administrator Pruitt
2017 12 19 Scott Pruitt Definers.pdf

FYI

From: Ferrato, Margaret (Whitehouse) [mailto:Margaret_Ferrato@whitehouse.senate.gov]
Sent: Tuesday, December 19, 2017 11:10 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Dudis, Dan (Whitehouse) <Dan_Dudis@whitehouse.senate.gov>; Gaeta, Joe (Whitehouse) <Joe_Gaeta@whitehouse.senate.gov>
Subject: Letter to Administrator Pruitt

Hello Troy,

I hope you're well! Attached is a letter to Administrator Pruitt from Senators Whitehouse and Harris. Don't hesitate to be in touch with any questions.

Best,
Maggie

Margaret Ferrato
Associate Legislative Assistant
Office of Senator Sheldon Whitehouse
530 Hart Senate Office Building
Washington, DC 20510
(202) 224-6564

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

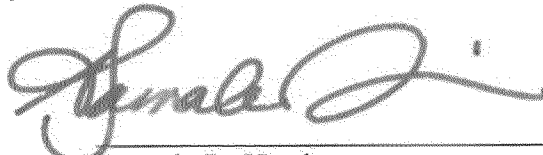
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

To: Bowman, Liz[Bowman.Liz@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]
From: Ringel, Aaron
Sent: Fri 1/5/2018 7:57:02 PM
Subject: Fwd: Correspondence from Ranking Members Pallone, DeFazio, Tonko, Napolitano, McCollum
EPA.2018.01.05. Letter re Definers contract. EE.OI.PDF
ATT00001.htm

Looping in Liz on this letter we just got from E&C Minority that is basically the same as the T&I letter regarding Definers. Will get to Kyle since there is a draft letter for EPW thats in process as well.
Sent from my iPhone

Begin forwarded message:

From: "Monger, Jon" <Jon.Monger@mail.house.gov>
Date: January 5, 2018 at 2:51:35 PM EST
To: "Lyons, Troy" <lyons.troy@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>
Cc: "Cohen, Jacqueline" <jackie.cohen@mail.house.gov>
Subject: Correspondence from Ranking Members Pallone, DeFazio, Tonko, Napolitano, McCollum

Troy, Aaron:

Attached please find correspondence from Ranking Members Pallone, DeFazio, Tonko, Napolitano, and McCollum.

Please advise if you have any questions or if you'd like to discuss any of the other requests.

Thanks,

--Jon Monger

Congress of the United States
House of Representatives
Washington, D.C. 20515
January 5, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract¹ (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”² The awarding of this contract without full and open competition³ to a company with no apparent experience in providing these services to a Federal agency⁴ is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.⁵ While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.⁶ Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

² *Id.*

³ *Id.*

⁴ Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

⁶ EPA Award, *supra* note 1.

compilation.”⁷ Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”⁸

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,⁹ a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.¹⁰

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

⁷ Devin Henry, *supra* note 5.

⁸ Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

⁹ Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

¹⁰ *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.¹¹ EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

¹¹ Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



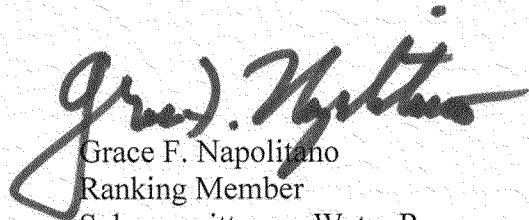
Franks Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Peter DeFazio
Ranking Member
Committee on Transportation
and Infrastructure



Paul D. Tonko
Ranking Member
Subcommittee on Environment
Committee on Energy and Commerce



Grace F. Napolitano
Ranking Member
Subcommittee on Water Resources
and Environment
Committee on Transportation
and Infrastructure



Betty McCollum
Ranking Member
Subcommittee on Interior,
Environment and Related Agencies
Committee on Appropriations

To: Ringel, Aaron[ringel.aaron@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Aarons, Kyle[Aarons.Kyle@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Lyons, Troy
Sent: Wed 1/3/2018 7:52:04 PM
Subject: FW: EPA contract documentation request
2018-01-03 LTR to EPA re Definers Contract Information Request.pdf

From: Seiger, Ryan [mailto:Ryan.Seiger@mail.house.gov]
Sent: Wednesday, January 3, 2018 2:09 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Brain, Michael <Michael.Brain@mail.house.gov>; McCarragher, Ward <Ward.McCarragher@mail.house.gov>; Dedrick, Kathy <Kathy.Dedrick@mail.house.gov>
Subject: RE: EPA contract documentation request

Aaron and Troy:

Per your request, enclosed is a formal request letter from Ranking Member DeFazio seeing additional information on the process that EPA followed in executing its contract with Definers for news analysis and brief service. A hard copy is being mailed today as well.

If you have any questions, please let me know.

Ryan C. Seiger
Staff Director/Senior Counsel
Subcommittee on Water Resources and Environment
Committee on Transportation and Infrastructure
505 Ford House Office Building
Washington, D.C. 20515
(202) 225-0060

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, December 18, 2017 5:37 PM
To: Seiger, Ryan <Ryan.Seiger@mail.house.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Brain, Michael <Michael.Brain@mail.house.gov>; McCarragher, Ward <Ward.McCarragher@mail.house.gov>; Dedrick, Kathy <Kathy.Dedrick@mail.house.gov>
Subject: Re: EPA contract documentation request

Ryan:

Formal inquires help us keep track of the numerous inquiries we receive from both the majority and the minority. We ask for a formal submission for tracking purposes as the inquiry will be assigned to the appropriate staffer. Also, formal requests help us process these requests in the order in which they are received.

We will continue to respond to requests such as TA and others requests through simple emails but ask oversight requests

I don't think Aaron's note implied you all do not have oversight authority, but with energy and commerce being our main committee of jurisdiction we want to ensure they are looped in as they are likely working on a similar request.

Sent from my iPhone

On Dec 18, 2017, at 4:45 PM, Seiger, Ryan <Ryan.Seiger@mail.house.gov> wrote:

Aaron:

On your response to my information request, a few questions...first, it it now EPA policy that routine oversight requests from Committee staff need now be formal letter requests from the Members? Also, is this request for a

Food and Water Watch v. EPA, No. 1:18-cv-01497 (D.D.C.); EPA-HQ-20178-002708 ED_002048_00009651-00001

letter coming from OCIR or from the agency at large?

Can you also provide me with a basis for your claim that the Committee on Transportation and Infrastructure does not have independent oversight jurisdiction over EPA?

Finally, on these apparent new rules, do they apply both to the T and I majority and the minority? Are there any other oversight processes that have been put in place this year that we need to be aware of?

Ryan C. Seiger

Subcommittee on Water Resources and Environment

(202) 225-0060

On Dec 18, 2017, at 2:42 PM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

Hey Ryan, could you please put your request in an official letter? Additionally, have you coordinated with E&C on this? I believe EPA oversight resides within their committee's jurisdiction.

Best,

-Aaron

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Graham, Amy
Sent: Thur 5/25/2017 3:30:01 PM
Subject: RE: Updated Proposal...

This would be really helpful with tracking TV and radio clips especially. If we don't go with this – we need to get TV Eyes.

From: Wilcox, Jahan
Sent: Thursday, May 25, 2017 11:29 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: Fwd: Updated Proposal...

Also was going to submit this too but Definers Public Affairs can/should run our war-room clips (see attachment and proposal).

Alerting clips, transcripts in live time is a full-time job and because of the 24-7 news cycle it's not a one person job either.

I believe their sister company AR did this for SP during his confirmation.

I was waiting for JP to be done before bringing this proposal to the group.

I've always been working with George - who is being as difficult as possible - in revamping our our paper product goes out and to who it goes to. This project should've been finished two weeks ago as Nancy has been helpful.
Begin forwarded message:

From: Joe Pounder <jpounder@definerscorp.com>
Date: May 22, 2017 at 4:26:28 PM CDT
To: wilcox.jahan@epa.gov
Subject: Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes.
Thanks again.

--
Joe Pounder
jpounder@definerscorp.com
571-290-5460

To: Hull, George[Hull.George@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Thur 6/8/2017 11:46:32 PM
Subject: Re: Updated Proposal...

Cool! Let's find a solution tomorrow that checks all of these boxes. Have a good evening.

Sent from my iPhone

On Jun 8, 2017, at 7:19 PM, Hull, George <Hull.George@epa.gov> wrote:

Thanks, Jahan. No, I'm not pushing for Bulletin Intelligence. I think many managers and staff across the agency would benefit from getting compiled clips once a day. I'm not pushing a particular vendor over another. I completely understand the benefit of OPA getting clips in live time and I'm not suggesting we change that. - George

From: Wilcox, Jahan
Sent: Thursday, June 08, 2017 7:15 PM
To: Hull, George <Hull.George@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Updated Proposal...

Let's talk tomorrow.

I sense you'd really like to get Bulletin but they don't alert stories, tv clips, radio hits and tweets in live time like the interns do.

For example, this weekend everyone was asking me for the Pruitt coverage from the Sunday shows.

Maybe there is a way to do both and make everyone happy, but in terms of actual press people (including everyone in your shop) we need stuff in live time so we can shape it before sometime goes viral, etc.

Sent from my iPhone

On Jun 8, 2017, at 7:06 PM, Hull, George <Hull.George@epa.gov> wrote:

We had around 500 receiving the clips when we used Bulletin Intelligence. It had crept up over time. As employees realized that their bosses were reading, we would get requests to added to the distribution list. Bulletin Intelligence did not place a limit on how many employees could receive. - George

From: Wilcox, Jahan
Sent: Thursday, June 08, 2017 6:37 PM
To: Hull, George <Hull.George@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Updated Proposal...

Not that I'm aware of. Do you have any idea how many people we are talking about. I have about 130 EPA people on my press list.

Sent from my iPhone

On Jun 8, 2017, at 5:37 PM, Hull, George <Hull.George@epa.gov> wrote:

Thanks, Jahan. It looks competitive with other vendors I've seen. Do you know if there would be any limits on the number of recipients within EPA? - George

From: Wilcox, Jahan
Sent: Thursday, June 08, 2017 5:28 PM

To: Hull, George <Hull.George@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Updated Proposal...

From: Joe Pounder [<mailto:jpounder@definerscorp.com>]
Sent: Monday, May 22, 2017 5:26 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

--

Joe Pounder
jpounder@definerscorp.com
571-290-5460

DETERMINATION TO SOLICIT FROM A SINGLE SOURCE SIMPLIFIED ACQUISITION PROCEDURES

1. FAR 13.106-1(b) states that contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source to be reasonably available.
2. I determine only one source to be reasonably available based one of the following circumstances as set forth in FAR 6.302:

- ☒ Only one responsible source and no other supplies or services will satisfy Agency requirements
- ☐ Unusual and compelling urgency
- ☐ Industrial mobilization; engineering, development or research capability; or expert services
- ☐ International agreement
- ☐ Authorized or required by statute
- ☐ National security
- ☐ Public interest

3. Brief description of the reason for your determination:

The identified contractor Definers Public Affairs is the sole supplier/owner for “**Definers Console-Based War Room System**”. **This sole source function** automatically notifies its users via e-mail of news alerts along with logging in go through the alerts in one convenient location. The Console includes a robust search function that will enable its users too quickly find and filter the stories alerted by Definers.

The EPA will have the ability to use the Definers Console-based War Room System:

- Proprietary advanced search functions within the clips
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to your company’s areas of interests, which allow for quick sorting and tracking of your customized data streams.
- Delivered through our proprietary web interface which allows for email distribution as well.

Definers satisfies the subject requirement for, The U.S. Environmental Protection Office of Administrator and Executive Services (OA) in public affairs request. The EPA team can be automatically notified that allows the Office of Administrator extensive media monitoring with a product that is an aggressive style of campaign-style delivery of real time coverage of stories, broadcasts and articles from major outlets. The provider Definers.. is the only responsible source that will satisfy Agency requirements and no other supplies or services will satisfactorily meet the requirement.

4.. This determination satisfies the requirements of FAR 13.106-1(b) & FAR 13.106-3(b)(3)(i). The requirement to prepare a written justification in accordance with FAR 6.303 does not apply to purchases using simplified acquisition procedures.

Jessica V. Wilson
Jessica V. Wilson
Contracting Officer

12/07/17
Date

Donna Dews
Donna Dews
Contracting Specialist

12/07/17
Date

Statement of Work
Media Support Contract
U.S. Environmental Protection Agency

Background and Purpose:

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

Scope of Work

EPA requires four basic services:

- delivery, via email and in near-real-time, of media stories involving relevant events, announcements and issues, with trend analysis included;
- delivery, via email, of a once-daily (Monday through Friday) compendium of news coverage of EPA and environmental issues, including a trend analysis;
- delivery, via email and in near-real-time, of media stories on high-priority issues and/or media outlets as determined through ongoing discussions between OPA and the vendor
- delivery, via searchable database, of all past media stories gathered under the other assigned tasks

The selected vendor shall be responsible for obtaining the necessary licenses (via Factiva, Lexis Nexis or similar service) to provide this service to OPA.

Accompanying these deliverables, selected vendor shall provide exceptional customer service, including 24/7 access by EPA to contractor's account managers, analysts, and senior managers, to permit last-minute changes to topics, deadlines, and specific guidance from OPA to the contractor regarding stories to be included and the extent of coverage desired.

Deliverables shall:

- include articles and broadcasts from major U.S. newspapers, national television and cable news, news weeklies, relevant magazines and journals, blogs, specialty press, etc.;

- reflect understanding of EPA's mission and interests;
- characterize, when requested, the coverage such that EPA officials can quickly get a sense of how widely various story elements were run and what the general tone is; and
- provide links within the coverage to the original full-text versions and to streaming video of important television as originally broadcast.

All content is to be provided as described within the task descriptions, with the exception of the observed legal holidays below:

- New Year's Day
- Martin Luther King's Birthday Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day (two days: Thanksgiving Day and the day after Thanksgiving)
- Christmas day (two days: These days will vary based on which day of the week Christmas falls and will be worked out between EPA and the contractor.)
- Inauguration Day (when applicable)

At a minimum, the following outlets shall be included in the contractor's search for media clips:

AP	Independent Journal Review
Agri-Pulse	LA Times
Argus Media	Morning Consult
Axios	NPR
Bloomberg	NTK Network
Bloomberg BNA	NY Times
Boston Globe	The Oklahoman
Breitbart	PJ Media
Business Insider	Politico
CNN	Reuters
Chicago Tribune	Scientific American
Christian Science Monitor	Tulsa World
The Daily Caller	USA Today
E&E News	Wall Street Journal
Financial Times	Washington Examiner
Forbes	Washington Post
Fox News	Washington Times
The Guardian	Google News Keywords– EPA, Environmental
The Hill	Protection Agency, Scott Pruitt
Hot Air	

Tasks and Deliverables:

For Tasks 1 & 2, the contractor shall seek to provide news stories relevant to EPA's mission, and, at a minimum, shall include the following topic areas:

- a. Administrator
- b. Brownfields/Superfund/Other cleanups
- c. Budget
- d. Climate Change
- e. Emergency Response
- f. Energy
- g. Enforcement
- h. Environmental Justice
- i. EPA
- j. Grants
- k. Hazardous waste
- l. International environmental agreements and disputes
- m. Pesticides
- n. Research and Development
- o. Rules/Regulations/Policy
- p. Toxics/TSCA
- q. Trash/recycling/composting/solid waste
- r. Tribal environmental issues

EPA may modify this topic area list by contacting the contractor as new or additional areas of focus arise.

Task 1 – Deliver, via email, Near Live-Time Coverage of Relevant Individual Media Stories**Deliverables:**

The contractor shall deliver comprehensive, near live-time media coverage for high-priority events, announcements or issues. Delivery is to be made in individual emails which also include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. This "war room" type coverage will include rapid delivery of media stories. Delivery will be to a select list of approximately 30 OPA staff, as provided by OPA. Delivery shall be throughout the day as news stories are published and within 30 minutes of the time of publication. This deliverable shall be available seven days per week, from 8 AM to 11 PM Eastern Time, excluding holidays as defined in this statement of work. Note that, while emails shall typically be delivered with one story per email, multiple entries may be combined in a single email at the contractor's discretion. In either case, however, the email shall be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of Relevant Individual Media Stories	Due five days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.	<ul style="list-style-type: none"> - Individual or combined story entries are delivered to appropriate recipients via email. - Selected articles demonstrate an understanding of which issues are important to OPA. - Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the story's tone. - Emails are in an easily-readable, Section 508-compliant format. - Updates to the recipient listserv are made within one (1) business day.

Task 2 – Deliver, via E-Mail, Daily Compiled News Coverage of EPA and Environmental Issues, Including Trend Analysis

Deliverables

On Monday through Friday, excluding defined holidays, the contractor shall provide an e-mail compendium of news coverage relevant to EPA and environmental issues. These compendia are due twice daily at 8:00 AM and 3:00 PM Eastern Time. These deliveries shall consist of media stories from print, television and radio outlets. For print stories, the contractor shall provide the article title, full story content, and a link to the original full-text versions. Television and radio stories shall include a title, link, and brief summary of the content.

The compendia shall include all Task 1 and Task 3 materials. The contractor will not be required to deliver any e-mails for this task on Saturdays, Sundays or observed holidays as defined in this statement of work. However, the first Monday and/or post-holiday e-mail

delivery under this task shall also include content published since the preceding e-mail delivery on Friday or the day before the holiday, and shall include relevant content from all weekend and/or observed holiday days.

In addition to news clips, the compendia shall also include a trend analysis, to include key metrics such as:

- total volume of media reports;
- average favorability – percent favorable, neutral, and unfavorable;
- leading story focus;
- leading messages;
- leading spokespeople on key messages; and
- leading media type on key messages.

The above represents OPA's best idea of the trend analysis, but specifics will be worked out with the contractor after contract award.

These compendia, including trend analysis, will go to a listserv, maintained by the contractor, of approximately 600 people. Formatting of the compendia is at the discretion of the contractor, but they must be easy to read with a reasonable type and font size, and must be Section 508 compliant.

Name	Due	Acceptance Criteria
Compiled News Coverage of EPA and Environmental Issues	Due no later than 8:00 AM and again at 3:00 PM Eastern Time, Monday through Friday. Note that Monday 8:00 AM edition and any edition following a holiday will include relevant stories published during the time of the weekend and/or holiday.	<ul style="list-style-type: none"> - Compendia arrive on time and to all recipients on vendor-maintained listserv. - Compendia use reasonable font and type size, and are Section 508 compliant. - Compendia include relevant articles gleaned from the OPA-provided list of key words. - Each compendium includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the story's tone for each story included.

		<ul style="list-style-type: none"> - Compendia include a trend analysis - Key word updates are incorporated no later than four (4) business hours from the time vendor is informed by OPA of change. - Updates to listserv are made within one (1) business day of time vendor is informed by OPA of changes.
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Task 3 - Deliver, via E-mail, Near Live-Time Coverage of High-Priority News Stories

Deliverables

In addition to the daily individual and compiled news coverage in Tasks 1 and 2, the contractor shall provide OPA staff with news stories on breaking news and high priority issues. This content will be limited to high priority issues and/or media outlets as determined on an ongoing basis through discussion between OPA and the contractor. This content is to be delivered on a rolling basis throughout the day as it is published, and within 30 minutes of publication, seven days per week from 8 AM – 11 PM. Emails shall be delivered to an OPA-provided list of approximately 30 individuals, and the list shall be maintained and updated as needed by the contractor.

Emails shall include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. Note that, while emails shall typically be delivered with one story per email, multiple entries may be combined in a single email at the contractor's discretion. In either case, however, the email must be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of High Priority New Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a rolling basis, throughout the day as news stories are	- Individual or combined story entries are delivered to appropriate recipients via email within 30 minutes of article publication.

	<p>published. All stories shall be sent to the OPA listserv within 30 minutes of publication.</p>	<ul style="list-style-type: none"> - Selected articles reflect both an understanding of which issues are of high priority to OPA, and also the topics determined through discussions between OPA and the vendor. - Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the tone of the story in an easily-readable, Section 508- compliant format. - Updates to the list of recipients are made within one (1) business day.
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Supporting Information

The Period of Performance shall be for one year from date of contract award.

Statement of Work
Media Support Contract
U.S. Environmental Protection Agency

Background and Purpose:

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

Scope of Work

EPA requires four basic services:

- delivery, via email and in near-real-time, of media stories involving relevant events, announcements and issues, with trend analysis included;
- delivery, via email, of a once-daily (Monday through Friday) compendium of news coverage of EPA and environmental issues, including a trend analysis;
- delivery, via email and in near-real-time, of media stories on high-priority issues and/or media outlets as determined through ongoing discussions between OPA and the vendor
- delivery, via searchable database, of all past media stories gathered under the other assigned tasks

The selected vendor shall be responsible for obtaining the necessary licenses (via Factiva, Lexis Nexis or similar service) to provide this service to OPA.

Accompanying these deliverables, selected vendor shall provide exceptional customer service, including 24/7 access by EPA to contractor's account managers, analysts, and senior managers, to permit last-minute changes to topics, deadlines, and specific guidance from OPA to the contractor regarding stories to be included and the extent of coverage desired.

Deliverables shall:

- include articles and broadcasts from major U.S. newspapers, national television and cable news, news weeklies, relevant magazines and journals, blogs, specialty press, etc.;

- reflect understanding of EPA's mission and interests;
- characterize, when requested, the coverage such that EPA officials can quickly get a sense of how widely various story elements were run and what the general tone is; and
- provide links within the coverage to the original full-text versions and to streaming video of important television as originally broadcast.

All content is to be provided as described within the task descriptions, with the exception of the observed legal holidays below:

- New Year's Day
- Martin Luther King's Birthday Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day (two days: Thanksgiving Day and the day after Thanksgiving)
- Christmas day (two days: These days will vary based on which day of the week Christmas falls and will be worked out between EPA and the contractor.)
- Inauguration Day (when applicable)

At a minimum, the following outlets shall be included in the contractor's search for media clips:

AP	Independent Journal Review
Agri-Pulse	LA Times
Argus Media	Morning Consult
Axios	NPR
Bloomberg	NTK Network
Bloomberg BNA	NY Times
Boston Globe	The Oklahoman
Breitbart	PJ Media
Business Insider	Politico
CNN	Reuters
Chicago Tribune	Scientific American
Christian Science Monitor	Tulsa World
The Daily Caller	USA Today
E&E News	Wall Street Journal
Financial Times	Washington Examiner
Forbes	Washington Post
Fox News	Washington Times
The Guardian	Google News Keywords- EPA, Environmental
The Hill	Protection Agency, Scott Pruitt
Hot Air	

Tasks and Deliverables:

For Tasks 1 & 2, the contractor shall seek to provide news stories relevant to EPA's mission, and, at a minimum, shall include the following topic areas:

- a. Administrator
- b. Air
- c. Brownfields/Superfund/Other cleanups
- d. Budget
- e. Climate Change
- f. Emergency Response
- g. Energy
- h. Enforcement
- i. Environmental Justice
- j. EPA
- k. Grants
- l. Hazardous waste
- m. International environmental agreements and disputes
- n. Pesticides
- o. Research and Development
- p. Rules/Regulations/Policy
- q. Toxics/TSCA
- r. Trash/recycling/composting/solid waste
- s. Tribal environmental issues
- t. Water

EPA may modify this topic area list by contacting the contractor as new or additional areas of focus arise.

Task 1 – Deliver, via email, Near Live-Time Coverage of Relevant Individual Media Stories

Deliverables:

The contractor shall deliver comprehensive, near live-time media coverage for high-priority events, announcements or issues. Delivery is to be made in individual emails which also include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. This "war room" type coverage will include rapid delivery of media stories. Delivery will be to a select list of approximately 30 OPA staff, as provided by OPA. Delivery shall be throughout the day as news stories are published and within 30 minutes of the time of publication. This deliverable shall be available seven days per week, from 8 AM to 11 PM Eastern Time, excluding holidays as defined in this statement of work. Note that, while emails shall typically be delivered with one story per email, multiple entries

may be combined in a single email at the contractor's discretion. In either case, however, the email shall be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of Relevant Individual Media Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.	<ul style="list-style-type: none"> - Individual or combined story entries are delivered to appropriate recipients via email within 30 minutes of article publication. - Selected articles demonstrate an understanding of which issues are important to OPA - Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the story's tone. - Emails are in an easily-readable, Section 508-compliant format. - Updates to the recipient listserv are made within one (1) business day.

Task 2 – Deliver, via E-Mail, Daily Compiled News Coverage of EPA and Environmental Issues, Including Trend Analysis

Deliverables

On Monday through Friday, excluding defined holidays, the contractor shall provide an e-mail compendium of news coverage relevant to EPA and environmental issues. These compendia are due twice daily at 8:00 AM and 3:00 PM Eastern Time. These deliveries shall consist of media stories from print, television and radio outlets. For print stories, the contractor shall provide the article title, full story content, and a link to the original full-text versions. Television and radio stories shall include a title, link, and brief summary of the content.

The compendia shall include all Task 1 and Task 3 materials. The contractor will not be required to deliver any e-mails for this task on Saturdays, Sundays or observed holidays as defined in this statement of work. However, the first Monday and/or post-holiday e-mail delivery under this task shall also include content published since the preceding e-mail delivery on Friday or the day before the holiday, and shall include relevant content from all weekend and/or observed holiday days.

In addition to news clips, the compendia shall also include a trend analysis, to include key metrics such as:

- total volume of media reports;
- average favorability – percent favorable, neutral, and unfavorable;
- leading story focus;
- leading messages;
- leading spokespeople on key messages; and
- leading media type on key messages.

The above represents OPA's best idea of the trend analysis, but specifics will be worked out with the contractor after contract award.

These compendia, including trend analysis, will go to a listserv, maintained by the contractor, of approximately 600 people. Formatting of the compendia is at the discretion of the contractor, but they must be easy to read with a reasonable type and font size, and must be Section 508 compliant.

Name	Due	Acceptance Criteria
Compiled News Coverage of EPA and Environmental Issues	Due no later than 8:00 AM and again at 3:00 PM Eastern Time, Monday through Friday. Note that Monday 8:00 AM edition and any edition following a holiday will include relevant stories published during the time of the weekend and/or holiday.	<ul style="list-style-type: none">- Compendia arrive on time and to all recipients on vendor-maintained listserv.- Compendia use reasonable font and type size, and are Section 508 compliant.- Compendia include relevant articles gleaned from the OPA-provided list of key words.- Each compendium includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief

		<p>indication of the story's tone for each story included.</p> <ul style="list-style-type: none"> - Compendia include a trend analysis - Key word updates are incorporated no later than four (4) business hours from the time vendor is informed by OPA of change. - Updates to listserv are made within one (1) business day of time vendor is informed by OPA of changes.
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Task 3 - Deliver, via E-mail, Near Live-Time Coverage of High-Priority News Stories

Deliverables

In addition to the daily individual and compiled news coverage in Tasks 1 and 2, the contractor shall provide OPA staff with news stories on breaking news and high priority issues. This content will be limited to high priority issues and/or media outlets as determined on an ongoing basis through discussion between OPA and the contractor. This content is to be delivered on a rolling basis throughout the day as it is published, and within 30 minutes of publication, seven days per week from 8 AM – 11 PM. Emails shall be delivered to an OPA-provided list of approximately 30 individuals, and the list shall be maintained and updated as needed by the contractor.

Emails shall include the name of the media outlet, the full text of the story, a link to the original source, and a brief (1-2 sentences) characterization of the tone of the story, all in an easily-readable, Section 508-compliant format. Note that, while emails shall typically be delivered with one story per email, multiple entries may be combined in a single email at the contractor's discretion. In either case, however, the email must be sent within 30 minutes of all articles' publication.

Name	Due	Acceptance Criteria
Near Live-Time Coverage of High Priority New Stories	Due seven days per week, excluding holidays, from 8 AM – 11 PM Eastern Time on a	- Individual or combined story entries are delivered to appropriate recipients via email

	<p>rolling basis, throughout the day as news stories are published. All stories shall be sent to the OPA listserv within 30 minutes of publication.</p>	<p>within 30 minutes of article publication.</p> <ul style="list-style-type: none"> - Selected articles reflect both an understanding of which issues are of high priority to OPA, and also the topics determined through discussions between OPA and the vendor. - Each email includes the name of the media outlet, the full text of the story (when in print), a link to the original source, a brief summary (for tv and radio entries), and a brief indication of the tone of the story in an easily-readable, Section 508- compliant format. - Updates to the list of recipients are made within one (1) business day.
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Task 4 – Deliver and Maintain Searchable Database of Past Media Stories

Deliverables

The contractor shall host and provide access to a Section 508-compliant database of all media content collected in carrying out Tasks 1, 2 and 3 of this statement of work. This database shall be accessible to approximately 30 OPA staff and provide them with the ability to search media content by topic, title, media outlet, and reporter name. Access to the database shall be available 24 hours per day, seven days per week, including holidays, with exceptions for scheduled maintenance. Database shall be available within 24 hours of contract award.

Name	Due (if applicable)	Acceptance Criteria
Searchable Database of Past Media Stories	Database shall be live within 24 hours of contract award and shall be updated continuously. Database shall be made available on a 24/7 basis with	<ul style="list-style-type: none"> - Database is available within 24 hours of contract award. - Database is available on a 24/7, seven (7) days per week,

	<p>the exception of scheduled maintenance.</p>	<p>including holidays, with the exception of scheduled maintenance.</p> <ul style="list-style-type: none"> - Database includes all media content collected in carrying out Tasks 1, 2, & 3 of this statement of work, and also includes trend analyses from Task 2. - Database is searchable by topic, title, media outlet, and reporter name. - Database is updated continuously. - Database is Section 508 compliant.
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Supporting Information

The Period of Performance shall be for one year from date of contract award.

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c) , FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Office of Acquisition Management – Headquarters
Procurement Operations Division
Contractor: Definers Corp

2. **Nature and/or description of the action:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

3. **Description of the Supplies or Services:**

This is a sole source procurement subscription for a media support service. The service provides EPA with: 1) Intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements; 2) access to a searchable database of past media content on EPA issues and topics; 3) a twice-daily compilation of news articles delivered once each business day by e-mail; and 4) high profile, breaking news stories during the day, delivered by e-mail. This service is vital to support the ability of EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage, which in turn supports EPA's ability to accurately provide information to the public on environmental and regulatory matters. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories.

- ✓ Period of performance: One year from date of contract award
- ✓ DUNS: 076234313
- ✓ Proposed Source: Definers Corp.

Contacts:

Joe Pounder, President

Tel. (b)(4)

(b)(4)

(b)(4)

(b)(4)

(b)(4)

4. Authority: [Check appropriate exception.]

[X] Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

5. Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

Definers offers a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

Through the Console, Definers is able to revolutionize the utilization of media clips by implementing:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams.
- Delivered through a proprietary web interface which allows for email distribution as well.

6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:**

A JOFOC and RFI notice will be posted on FedBizOpps (synopsized) and FedConnect for five calendar days.

7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.**

Yes, the CO has determined the cost to be fair and reasonable based on information received from the contractor.

8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:**

Leading providers Cision (www.cision.com), Bulletin Intelligence (www.bulletinintelligence.com), and Critical Mention (www.criticalmention.com) do not provide the combined services sought by EPA's Office of Public Affairs.

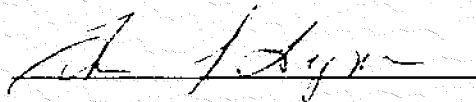
9. **Other facts supporting the use of other than full and open competition.**

Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.

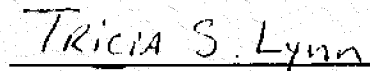
Approvals –

1) Project Officer's Certification

I certify that the facts and representations stated in this justification are complete and accurate which form the basis to award this requirement.



Signature of Technical Officer



Printed name of Technical Officer

Technical Officer's phone number & E-mail address:

202.564.2615 / lynn.tricia@epa.gov

Date: 11/29/2017

2) Contracting Officer's Certification

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Jody Gosnell

Signature of Contracting Officer

Jody Gosnell

Printed name of
Contracting Officer

Contracting Officer's phone number and E-mail address: gosnell.jody@epa.gov
202-564-4353

Date: 11/29/17

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c), FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Office of Acquisition Management - Headquarters
Procurement Operations Division
Contractor: Definers Corp

2. **Nature and/or description of the action:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

3. **Description of the Supplies or Services:**

This is a sole source procurement subscription for a media support service. The service provides EPA with: 1) Intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements; 2) access to a searchable database of past media content on EPA issues and topics; 3) a twice-daily compilation of news articles delivered once each business day by e-mail; and 4) high profile, breaking news stories during the day, delivered by e-mail. This service is vital to support the ability of EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage, which in turn supports EPA's ability to accurately provide information to the public on environmental and regulatory matters. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories.

Period of performance: One year from date of contract award

4. Authority: [Check appropriate exception.]

[X] Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

5. Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

Definers offers a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

Through the Console, Definers is able to revolutionize the utilization of media clips by implementing:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams.
- Delivered through a proprietary web interface which allows for email distribution as well.

6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:**

A JOFOC and RFI notice will be posted on FedBizOpps (synopsized) and FedConnect for five calendar days.

7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.**

Yes, the CO has determined the cost to be fair and reasonable based on information received from the contractor.

8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:**

Leading providers Cision (www.cision.com), Bulletin Intelligence (www.bulletinintelligence.com), and Critical Mention (www.criticalmention.com) do not provide the combined services sought by EPA's Office of Public Affairs.

9. **Other facts supporting the use of other than full and open competition.**

Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Request for Sole Source Purchase Award

FROM: Nancy Grantham, Acting Principal Deputy Associate Administrator
Office of Public Affairs

A handwritten signature in dark ink, appearing to be "Nancy Grantham", is written over the printed name and title.

TO: Jessica Wilson, Contracting Officer
Headquarters Procurement Operations Division, PCSC/OAM (3803r)

DATE: December 7, 2017

This letter serves to justify the sole source purchase of services from Definers for media clip and war rooms media services.

Definers offers intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements. They also provide access to a searchable database of EPA topics and issues while compiling news articles delivered by email daily.

The vendor has a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

This service is vital to EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories. I believe it is of the best value to the agency to pursue this contract.

To: Hewitt, James[hewitt.james@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Mon 12/18/2017 5:53:03 PM
Subject: RE: Weekly Standard Editorial: There's No Scandal at the EPA

Nice.

From: Hewitt, James
Sent: Monday, December 18, 2017 12:21 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Weekly Standard Editorial: There's No Scandal at the EPA

FYI

The Weekly Standard

http://www.weeklystandard.com/editorial-theres-no-scandal-at-the-epa/article/2010883?custom_click=rss?utm_medium=twitter&utm_source=TWSAutoTweet
There's No Scandal at the EPA
The Editors, 12/18/17

“Another entry from the authoritarian handbook,” says David Axelrod. MSNBC’s Chris Hayes thinks it’s a “hunt” for “ideological subversives.” The public is financing “lies” to “eviscerate environmental protections,” according to Robert Reich.

Liberals accuse their adversaries of fascism pretty regularly these days, so you likely have no idea what is worrying these lefty grandees. To be specific: Over the weekend the New York Times published a story about the Environmental Protection Agency hiring a public relations firm to investigate “agency employees who have been critical of the Trump administration.” A vice president of the firm, Definers Public Affairs, explains it to the Times straightforwardly: they were asked to look into whether EPA employees “were emailing critical things about the agency on government time and how frequently they were corresponding about this.”

In order to discover if employees were engaging in “resistance” activities on the clock, Designers submitted Freedom of Information requests to the agency about the employees. In other words, rather than simply fire or demote employees who undermine the agency’s leadership, EPA administrator Scott Pruitt’s team sought to document the times when these activities took place while the employees were at work.

There is no scandal here. The lawfully appointed head of an agency has every right to find out if employees are actively undercutting his mission and getting paid to do so. Pruitt is loathed by the environmental militants inside the EPA (to understand why, read Fred Barnes’s feature story in the December 25 WEEKLY STANDARD). The use of FOIA requests is an open and lawful way to deal with those who aren’t simply voicing legitimate policy differences but actually impairing the agency’s director. Definers only used public information to file its requests, not internal documents (an important point ignored by the Times in both the original story and a follow-up). That Pruitt’s team dealt with the problem of internal opposition not by secret purges but by use of open-records requests shows a reverence for transparency and the rule of law. If an “authoritarian” regime wanted to “hunt down ideological subversives,” it wouldn’t use FOIA requests. It would just fire them.

The Times is viscerally hostile to Pruitt, and it is hardly surprising that one of its reporters would find a scandal where there is nothing of the sort. Surely a reporter who claims in his Twitter bio that “transparency matters a lot to me” might have stopped to consider this obvious point. But for our paper of record, too often “transparency” only matters when it yields the right kind of political results.

Organizer: Brown, Rayna[brown.rayna@epa.gov]
From: Brown, Rayna
Location: Rayna's Office
Importance: Normal
Subject: Discuss Multiple FOIA Requests and Extension for Definers, Inc.
Start Time: Tue 1/16/2018 7:20:00 PM
End Time: Tue 1/16/2018 7:35:00 PM
Required Attendees: KHATRI, KUSH; Marusak, Kirk; Dews, Donna

Organizer: Dews, Donna[Dews.Donna@epa.gov]
From: Dews, Donna
Importance: Normal
Subject: News Analysis Service OA- Hull and Definers
Start Time: Tue 8/15/2017 6:00:00 PM
End Time: Tue 8/15/2017 7:00:00 PM
Required Attendees: Gosnell, Jody

Registration Details for Complete Record

Entity Name: DEFINERS CORP

DUNS Number: 076234313

CAGE: 7YAE9

Address:

1500 WILSON BLVD # 5

ARLINGTON, VA 22209-2458

UNITED STATES

Purpose of Registration: All Awards

Registration Status: Active

Expiration Date: 08/31/2018

Address Update Required: No

UPDATE ENTITY

VIEW

DEACTIVATE

From: Gosnell, Jody
Importance: Normal
Subject: Accepted: News Analysis Service OA- Hull and Definers
Start Time: Tue 8/15/2017 6:00:00 PM
End Time: Tue 8/15/2017 7:00:00 PM
Required Attendees: Dews, Donna

To: Gosnell, Jody[Gosnell.Jody@epa.gov]
Cc: Dews, Donna[Dews.Donna@epa.gov]
From: Dews, Donna
Sent: Thur 11/30/2017 6:07:15 PM
Subject: Hard File Given for PR-OA-17-00132 II on 11/30/17- Dropped in In-Box

Blue Folder/Review Sheet

File Contents – Pre-Award

Left side: Previous order number Solicitation EP-16-H-00163

Tabs:

- 1) Notifications from Special Notice to Fedconnect and FBO
- 2) Special Notice
- 3) MSPLAN: August up until today's date 11/30/17
- 4) SOW 11/13/17
- 5) Security Certification in lieu of FITARRA
- 6) Sam.gov
- 7) Email Communications between OA/program office/Contract Specialist and Contracting Officer/Cost Breakdown
 - a. Finalized JOFOC 11/29/17
 - b. Finalized SOW 11/16/17
 - c. PR -OA-17-00132
 - d. Multi-Appropriation Form
 - e. Original Proposal from Definers, Corp- Sample of email clips to be received from Contractor
 - f. Original SOW
 - g. CDW Funds Verification
 - h. IGCE
 - i. SOW

Finalized documents to be loaded in EAS located under **email communications**

Special Notice

Special Notice responses received from prospective vendors

No label will be placed until awarded

APP-OA-18-00001 – not printed

Final documents not loaded until CO approves and File Reviewed

Donna Dews
Contract Specialist
US Environmental Protection Agency
Office of Acquisition Management
HPOD/Program Contract Service Center
Washington, DC 20460
202-564-6752 (DIRECT)
Dews.donna@epa.gov

To: Dews, Donna[Dews.Donna@epa.gov]
Cc: Plater, Lottie[Plater.Lottie@epa.gov]
From: Gosnell, Jody
Sent: Tue 11/28/2017 4:45:16 PM
Subject: Media Support Service
[JOFOC.TL.11.16.17.docx](#)
[SOW.Final.11.08.17.docx](#)

Hi Donna,

Here are the latest documents that I have. Could you also put a copy of the Fedbizopps / Fedconnect posting in the file? Thanks,
Jody

Jody Gosnell
Contracting Officer/Team Leader
Headquarters Procurement Operations Division
Office of Acquisition Management
Office: (202) 564-4353
Email: gosnell.jody@epa.gov

From: Dews, Donna
Importance: Normal
Subject: News Analysis Service OA- Hull and Definers
Start Time: Tue 8/15/2017 6:00:00 PM
End Time: Tue 8/15/2017 7:00:00 PM
Required Attendees: Gosnell, Jody

To: Wilson, Jessica[Wilson.Jessica@epa.gov]
From: Dews, Donna
Sent: Thur 12/7/2017 5:13:47 PM
Subject: D&F Sole Source Definers
D and F Sole Source Definers Corp.docx

Jessica

See attached for signature. Thanks.

Donna Dews
Contract Specialist
US Environmental Protection Agency
Office of Acquisition Management
HPOD/Program Contract Service Center
Washington, DC 20460
202-564-6752 (DIRECT)
Dews.donna@epa.gov

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c) , FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Office of Acquisition Management – Headquarters
Procurement Operations Division
Contractor: Definers Corp

2. **Nature and/or description of the action:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

3. **Description of the Supplies or Services:**

This is a sole source procurement subscription for a media support service. The service provides EPA with: 1) Intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements; 2) access to a searchable database of past media content on EPA issues and topics; 3) a twice-daily compilation of news articles delivered once each business day by e-mail; and 4) high profile, breaking news stories during the day, delivered by e-mail. This service is vital to support the ability of EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage, which in turn supports EPA's ability to accurately provide information to the public on environmental and regulatory matters. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories.

Period of performance: One year from date of contract award

DUNS: 076234313

Proposed Source: Definers Corp.

Contacts:

Joe Pounder, President
Tel. 571-290-5460
jpounder@definerscorp.com

Julia Cotrone, Special Assistant
Tel. 571-290-5461
jcotrone@definerscorp.com

4. **Authority:** [Check appropriate exception.]

[X] Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

5. **Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**

Definers offers a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

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- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams.
- Delivered through a proprietary web interface which allows for email distribution as well.

6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:**

A JOFOC and RFI notice will be posted on FedBizOpps (synopsized) and FedConnect for five calendar days.

7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.**

Yes, the CO has determined the cost to be fair and reasonable based on information received from the contractor.

8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:**

Leading providers Cision (www.cision.com), Bulletin Intelligence (www.bulletinintelligence.com), and Critical Mention (www.criticalmention.com) do not provide the combined services sought by EPA's Office of Public Affairs.

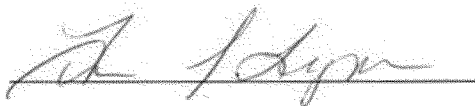
9. **Other facts supporting the use of other than full and open competition.**

Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.

Approvals –

1) Project Officer's Certification

I certify that the facts and representations stated in this justification are complete and accurate which form the basis to award this requirement.



Signature of Technical Officer



Printed name of Technical Officer

Technical Officer's phone number & E-mail address:

202.564.2615 / lynn.tricia@epa.gov

Date: 11/29/2017

2) Contracting Officer's Certification

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Jody Gosnell

Signature of Contracting Officer

Jody Gosnell

Printed name of
Contracting Officer

Contracting Officer's phone number and E-mail address: gosnell.jody@epa.gov
202-564-4353

Date: 11/29/17

To: Marusak, Kirk[Marusak.Kirk@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]
Cc: Brown, Rayna[brown.rayna@epa.gov]; Long, Brian[Long.Brian@epa.gov]
From: Dews, Donna
Sent: Mon 1/22/2018 3:37:18 PM
Subject: RE: Definers Procurement FOIA Requests - Need Your Response - Thank You

Hi Kirk

I have the file and I am located in 61173.

Donna Dews
Contract Specialist
US Environmental Protection Agency
Office of Acquisition Management
HPOD/Program Contract Service Center
Washington, DC 20460
202-564-6752 (DIRECT)
Dews.donna@epa.gov

From: Marusak, Kirk
Sent: Monday, January 22, 2018 9:39 AM
To: Stewart, Keith <Stewart.Keith@epa.gov>
Cc: Brown, Rayna <brown.rayna@epa.gov>; Dews, Donna <Dews.Donna@epa.gov>; Long, Brian <Long.Brian@epa.gov>
Subject: Definers Procurement FOIA Requests - Need Your Response - Thank You

Whoever has possession of the Definers procurement file folder, Kush Khatri and I need the file to process our numerous Definers FOIA requests. A number of mine are essentially asking for everything contained within the contract file. Thus, it is essential that I examine the contract file to decide what documents are responsive to the requests. Please provide me with the file or I can come over to someone’s office to pick the file up. Thank you.

Kirk R. Marusak
Government Information Specialist
Office of Acquisition Management
U.S. Environmental Protection Agency
Phone: (202) 564-4493
Fax: (202) 564-2553
Marusak.Kirk@epa.gov

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136A-M@epa.gov
Sent: Tue 1/9/2018 7:30:31 PM
Subject: congreas 5
[image2018-01-09-143031.pdf](#)

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136-M@epa.gov
Sent: Tue 1/9/2018 7:17:38 PM
Subject: congress 10
[image2018-01-09-141737.pdf](#)

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136-M@epa.gov
Sent: Tue 1/9/2018 7:16:46 PM
Subject: congress 9
[image2018-01-09-141646.pdf](#)

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136A-M@epa.gov
Sent: Tue 1/9/2018 7:28:45 PM
Subject: congress 4
[image2018-01-09-142845.pdf](#)

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136-M@epa.gov
Sent: Tue 1/9/2018 7:16:00 PM
Subject: congress 8
[image2018-01-09-141600.pdf](#)

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136-M@epa.gov
Sent: Tue 1/9/2018 7:15:04 PM
Subject: congress 7
[image2018-01-09-141504.pdf](#)

To: Brown, Rayna[brown.rayna@epa.gov]; Gosnell, Jody[Gosnell.Jody@epa.gov]
From: DC-RRB-61136A-M@epa.gov
Sent: Tue 1/9/2018 7:24:47 PM
Subject: congress 1
[image2018-01-09-142447.pdf](#)

From: Aarons, Kyle
Location: DCRoomARN3428/OCIR
Importance: Normal
Subject: Pre-call for discussion with Senate staff on Definers Public Affairs
Start Time: Fri 5/11/2018 3:30:00 PM
End Time: Fri 5/11/2018 4:00:00 PM
Required Attendees: Palich, Christian; Frye, Tony (Robert); Burke, Marcella; Knapp, Kristien; Grantham, Nancy; Patrick, Kimberly; Stewart, Keith; Legare, Pamela

[Whitehouse 4-27-18 \(Definers\).pdf](#)
[Definers contract documents 4-27-18.pdf](#)
[Whitehouse News Analysis 12-19-17.pdf](#)

Hi all – Staff for Senators Harris and Whitehouse would like to talk to us at 2PM Friday about Definers Public Affairs. This 11:30 meeting is to go over everything internally before we get on the phone. Please let me know if you are available.

Thanks,
Kyle



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter of December 19, 2017, to the U.S. Environmental Protection Agency (EPA) about a recent purchase order for news analysis. The Administrator asked that I respond on his behalf.

In July 2017, the EPA began acquisition planning to procure real-time coverage of media stories for specific topics, events and announcements relevant to the agency. Definers Public Affairs (Definers) is a provider of news analysis services. Definers offers unique services, including its proprietary Console. The Console is a customizable and personalized interface that gives clients instant access to the most relevant breaking news, and brings together technology and human analysis to real-time actionable intelligence based on the most relevant information. Definers' specialized services also include a searchable database and real-time coverage of media stories for specific topics, events, and announcements that is not found elsewhere. For example, if the Administrator attends an event in any part of the country and it is covered by local television or radio, Definers would be able to provide real-time coverage. The agency was not aware of any other company that provided or had available this feature of real-time coverage for specific events.

The purchase order was awarded to Definers on December 7, 2017. At Definers' request, the EPA terminated the awarded purchase order on December 19, 2017, before any work was initiated. The EPA incurred no costs from the date of award to the date of the termination.

Enclosed, please find copies of documents related to the Definers' contract. We have initiated a centralized search that may also yield documents responsive to your request. We will be in touch if and when responsive documents are available for release. Regarding your questions about Freedom of Information Act requests, please use FOIAonline (<https://foiaonline.regulations.gov/foia/action/public/home>) to locate requests and results of interest.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kristien Knapp in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Bowman".

Liz Bowman
Associate Administrator
Office of Public Affairs

Enclosure

cc: The Honorable John Barrasso
Chairman, Committee on Environment and Public Works

From: Aarons, Kyle
Location: DCRoomARN3428/OCIR
Importance: Normal
Subject: Call with Senate staff on Definers Public Affairs
Start Time: Fri 5/11/2018 6:00:00 PM
End Time: Fri 5/11/2018 6:30:00 PM
Required Attendees: Palich, Christian; Frye, Tony (Robert); Burke, Marcella; Knapp, Kristien; Grantham, Nancy; Patrick, Kimberly; Stewart, Keith; Legare, Pamela

[Whitehouse 4-27-18 \(Definers\).pdf](#)
[Definers contract documents 4-27-18.pdf](#)
[Whitehouse News Analysis 12-19-17.pdf](#)

Hi all – Staff for Senators Harris and Whitehouse would like a call with us on Friday to discuss Definers Public Affairs. Their incoming letter and our response is attached. I will also request a meeting at 11:30 on Friday to discuss the issue internally.

Thank you,
Kyle



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter of December 19, 2017, to the U.S. Environmental Protection Agency (EPA) about a recent purchase order for news analysis. The Administrator asked that I respond on his behalf.

In July 2017, the EPA began acquisition planning to procure real-time coverage of media stories for specific topics, events and announcements relevant to the agency. Definers Public Affairs (Definers) is a provider of news analysis services. Definers offers unique services, including its proprietary Console. The Console is a customizable and personalized interface that gives clients instant access to the most relevant breaking news, and brings together technology and human analysis to real-time actionable intelligence based on the most relevant information. Definers' specialized services also include a searchable database and real-time coverage of media stories for specific topics, events, and announcements that is not found elsewhere. For example, if the Administrator attends an event in any part of the country and it is covered by local television or radio, Definers would be able to provide real-time coverage. The agency was not aware of any other company that provided or had available this feature of real-time coverage for specific events.

The purchase order was awarded to Definers on December 7, 2017. At Definers' request, the EPA terminated the awarded purchase order on December 19, 2017, before any work was initiated. The EPA incurred no costs from the date of award to the date of the termination.

Enclosed, please find copies of documents related to the Definers' contract. We have initiated a centralized search that may also yield documents responsive to your request. We will be in touch if and when responsive documents are available for release. Regarding your questions about Freedom of Information Act requests, please use FOIAonline (<https://foiaonline.regulations.gov/foia/action/public/home>) to locate requests and results of interest.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kristien Knapp in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Bowman".

Liz Bowman
Associate Administrator
Office of Public Affairs

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Organizer: Aarons, Kyle[Aarons.Kyle@epa.gov]
From: Aarons, Kyle
Location: DCRoomARN3428/OCIR
Importance: Normal
Subject: Oversight letter on Definers Public Affairs
Start Time: Wed 12/20/2017 2:00:00 PM
End Time: Wed 12/20/2017 2:30:00 PM
Required Attendees: Lyons, Troy; Palich, Christian; Grantham, Nancy; Youngblood, Charlotte; Williams, LaShawn; Frye, Tony (Robert)
Optional Attendees: Sweeney, Edward; Burke, Marcella

[Whitehouse News Analysis 12-19-17.pdf](#)

Hi all – This meeting is to discuss our response to the attached oversight letter from Senate EPW on Definers Public Affairs. I understand the contract at issue is no longer in place, but I assume the committee will still want a response.

Thanks,
Kyle



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

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DETERMINATION TO SOLICIT FROM A SINGLE SOURCE SIMPLIFIED ACQUISITION PROCEDURES

1. FAR 13.106-1(b) states that contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source to be reasonably available.

2. I determine only one source to be reasonably available based one of the following circumstances as set forth in FAR 6.302:

- ☒ Only one responsible source and no other supplies or services will satisfy Agency requirements
- ☐ Unusual and compelling urgency
- ☐ Industrial mobilization; engineering, development or research capability; or expert services
- ☐ International agreement
- ☐ Authorized or required by statute
- ☐ National security
- ☐ Public interest

3. Brief description of the reason for your determination:

The identified contractor Definers Public Affairs is the sole supplier/owner for “**Definers Console-Based War Room System**”. **This sole source function** automatically notifies its users via e-mail of news alerts along with logging in go through the alerts in one convenient location. The Console includes a robust search function that will enable its users too quickly find and filter the stories alerted by Definers.

The EPA will have the ability to use the Definers Console-based War Room System:

- Proprietary advanced search functions within the clips
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to your company’s areas of interests, which allow for quick sorting and tracking of your customized data streams.
- Delivered through our proprietary web interface which allows for email distribution as well.

Definers satisfies the subject requirement for, The U.S. Environmental Protection Office of Administrator and Executive Services (OA) in public affairs request. The EPA team can be automatically notified that allows the Office of Administrator extensive media monitoring with a product that is an aggressive style of campaign-style delivery of real time coverage of stories, broadcasts and articles from major outlets. The provider Definers, is the only responsible source that will satisfy Agency requirements and no other supplies or services will satisfactorily meet the requirement.

4.. This determination satisfies the requirements of FAR 13.106-1(b) & FAR 13.106-3(b)(3)(i). The requirement to prepare a written justification in accordance with FAR 6.303 does not apply to purchases using simplified acquisition procedures.

Jessica V. Wilson
Jessica V. Wilson
Contracting Officer

12/07/17
Date

Donna Dews
Donna Dews
Contracting Specialist

12/07/17
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

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Liz Bowman
Associate Administrator
Office of Public Affairs

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Chairman, Committee on Environment and Public Works

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Aarons, Kyle[Aarons.Kyle@epa.gov]
From: Knapp, Kristien
Sent: Mon 8/6/2018 8:42:47 PM
Subject: Definers letter
[2018-06-19 Definers June Letter.pdf](#)

Hi Nancy –

We're just checking in on the Definers response. Let us know if you want to discuss further with us, or if we can help with drafting.

Thanks,
Kristien

Kristien Knapp
Legislative and Oversight Counsel
Office of Congressional Affairs
U.S. Environmental Protection Agency
(202) 564-3277

United States Senate

WASHINGTON, DC 20510

June 19, 2018

Administrator Scott Pruitt
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Pruitt:

We again write to you regarding the Environmental Protection Agency's decision to award a no-bid contract to Definers, a consulting firm that shares leadership staff, and office space with America Rising, a political action committee (PAC) which was active in supporting your confirmation as Environmental Protection Agency (EPA) Administrator. This contract is deeply concerning because it suggests a quid pro quo and would seem to violate the law, as outlined below.

On December 19, 2017, we first wrote to you inquiring about this contract with Definers for media clipping services. On April 27, 2018, EPA responded and your response included documents related to the now-cancelled Definers no-bid contract. On May 11, 2018, EPA staff attempted to answer questions from our staff in a phone call regarding the documents provided in EPA's April 27 response. Despite these disclosures and discussions, key facts about this how this contract was awarded remain unknown.

I. How was Definers identified as the contractor of choice?

EPA provided one email chain related to the Definers contract; the first of these emails is dated November 2, 2017. While parts of these emails have been redacted, the first email in this chain mentions a "JOFOC" or Justification for Other than Full and Open Competition, indicating that EPA had already chosen a contractor. A November 13, 2017 email in the chain identifies Definers as the contractor.

Government contracts are not awarded without prior discussion and thorough deliberation, so we find it hard to believe that the first email mention of Definers at EPA occurred after Definers had already been chosen. "Definers" is a rarely used word, so it should be straightforward for your staff to obtain all emails in which Definers the company is mentioned.

During our May 11, 2018 phone call with EPA career staff, we were told that EPA's contract with Bulletin Intelligence was cancelled in early 2017 at the direction of President Trump's EPA beachhead team because it "wasn't meeting their needs." EPA career staff further advised us that your public affairs team first "made [them] aware" of Definers and its media clipping services. Career staff stated they were be unable to recall who on your team told them about Definers and what specific instructions they were given.

Documents provided (and not provided) by EPA and statements by career staff seem to indicate that the decision to hire Definers was driven by political appointees. Given the fact that Definers shares executives and leadership with America Rising, which bankrolled a campaign supporting your confirmation as EPA Administrator, a decision to steer a contract outside the typical contracting

process to Definers would seem to violate Subpart 3.101-1 of the Federal Acquisition Regulation (“The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships”) and Title 5 of the Code of Federal Regulations Section 2635.101(b)(8) (“Employees shall act impartially and not give preferential treatment to any private organization or individual”).

II. Does Definers offer unique services that would justify EPA’s decision to forego competitive bidding for this contract?

In our December 19 letter, we asked you to explain what “provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers.” In EPA’s April 27 response, Liz Bowman, your former Associate Administrator for the Office of Public Affairs, attempted to justify the no-bid nature of the Definers contract by writing that “Definers offers unique services” and “[EPA] was not aware of any other company that provided or had available this feature of real-time coverage for specific events.”

Among the documents provided with EPA’s April 27 response is a JOFOC dated November 29, 2017 (Attachment II). In this document, EPA lists the following “unique qualifications” that “require” the use of the only one responsible source exception to competitive bidding practices:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer’s areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that “[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA’s Office of Public Affairs.” During the May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers’ services, particularly its claimed ability to provide clips in “near live-time,” but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision’s clients may also log into their “my coverage” portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision’s representative confirmed that it offers all of the functionalities listed in the JOFOC as “unique” to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer “near live-time” capabilities. According to its website, its dashboard provides links to “24/7

breaking news” of interest to its clients.¹ Bulletin Intelligence’s description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage “one minute after it appears – more than 8 times faster than the industry standard” on an “all-in-one platform” that offers “real-time media monitoring.”² Its description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be “unique” to Definers. These companies include Metro Monitor (“[r]eceive reports of your media coverage as it happens”³) and Universal Information Services (“[r]eceive scheduled or near real-time e-mail notifications when your stories air”⁴).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers’ own representations about its services. The JOFOC description of Definer’s “unique qualifications” appears to have been copied almost verbatim from Definers’ promotional materials. It is replete with words such as “proprietary” and “customers” that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled “[o]ther facts supporting the use of other than full and open competition,” EPA staff wrote:

“Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.”

EPA staff also relied on Definers’ representations with respect to the reasonableness of the services’ cost. The JOFOC states that “the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*” (emphasis added). An email dated November 13, 2017 further states that staff are “still waiting for a bit of information *from Definers* to complete the JOFOC” (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA’s proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA’s willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original

¹ News Analysis, Bulletin Intelligence, <http://www.bulletinintelligence.com/newsanalysis.aspx> (viewed on June 6, 2018)

² Media Monitoring, Critical Mention, <http://www.criticalmention.com/media-monitoring/> (viewed on June 6, 2018).

³ Media Monitor Pro, Metro Monitor, <https://metromonitor.com/services/media-monitor-pro/> (viewed on June 6, 2018)

⁴ Services, Universal Information Services, <https://universal-info.com/services/> (viewed on June 6, 2018)

letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

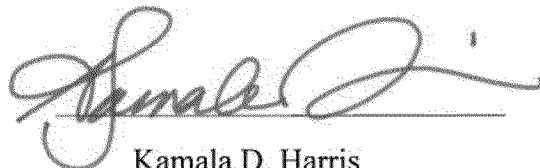
1. Who on your team made career staff "aware" of Definers?
2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you "care so much about taxpayer money."⁵ EPA's decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter. Should you have any questions, please do not hesitate to contact our staff, Dan Dudis at Dan_Dudis@whitehouse.senate.gov and Monica Pham at Monica_Pham@harris.senate.gov.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

⁵ Kevin Bogardus, "Pruitt: 'I care so much about taxpayer money,'" E&E News (May 31, 2018), https://www.eenews.net/greenwire/stories/1060083117/most_read

United States Senate

WASHINGTON, DC 20510

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- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer’s areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that “[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA’s Office of Public Affairs.” During the May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers’ services, particularly its claimed ability to provide clips in “near live-time,” but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision’s clients may also log into their “my coverage” portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision’s representative confirmed that it offers all of the functionalities listed in the JOFOC as “unique” to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer “near live-time” capabilities. According to its website, its dashboard provides links to “24/7

breaking news” of interest to its clients.¹ Bulletin Intelligence’s description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage “one minute after it appears – more than 8 times faster than the industry standard” on an “all-in-one platform” that offers “real-time media monitoring.”² Its description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be “unique” to Definers. These companies include Metro Monitor (“[r]eceive reports of your media coverage as it happens”³) and Universal Information Services (“[r]eceive scheduled or near real-time e-mail notifications when your stories air”⁴).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers’ own representations about its services. The JOFOC description of Definer’s “unique qualifications” appears to have been copied almost verbatim from Definers’ promotional materials. It is replete with words such as “proprietary” and “customers” that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled “[o]ther facts supporting the use of other than full and open competition,” EPA staff wrote:

“Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.”

EPA staff also relied on Definers’ representations with respect to the reasonableness of the services’ cost. The JOFOC states that “the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*” (emphasis added). An email dated November 13, 2017 further states that staff are “still waiting for a bit of information *from Definers* to complete the JOFOC” (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA’s proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA’s willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original

¹ News Analysis, Bulletin Intelligence, <http://www.bulletinintelligence.com/newsanalysis.aspx> (viewed on June 6, 2018)

² Media Monitoring, Critical Mention, <http://www.criticalmention.com/media-monitoring/> (viewed on June 6, 2018).

³ Media Monitor Pro, Metro Monitor, <https://metromonitor.com/services/media-monitor-pro/> (viewed on June 6, 2018)

⁴ Services, Universal Information Services, <https://universal-info.com/services/> (viewed on June 6, 2018)

letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

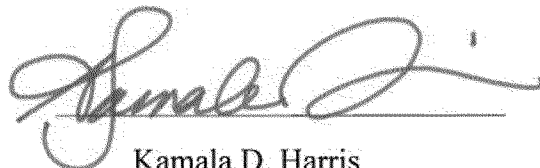
1. Who on your team made career staff "aware" of Definers?
2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you "care so much about taxpayer money."⁵ EPA's decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter. Should you have any questions, please do not hesitate to contact our staff, Dan Dudis at Dan_Dudis@whitehouse.senate.gov and Monica Pham at Monica_Pham@harris.senate.gov.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

⁵ Kevin Bogardus, "Pruitt: 'I care so much about taxpayer money,'" E&E News (May 31, 2018), https://www.eenews.net/greenwire/stories/1060083117/most_read

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Aarons, Kyle[Aarons.Kyle@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]
From: Yaeger, Ryan
Sent: Wed 4/25/2018 8:03:35 PM
Subject: Definers Letters
[DeFazio Definers 4-25-18.docx](#)
[DeFazio News Analysis 4-25-18.docx](#)
[McCollum News Analysis 4-25-18.docx](#)
[Napolitano News Analysis 4-25-18.docx](#)
[Pallone News Analysis 4-25-18.docx](#)
[Tonko News Analysis 4-25-18.docx](#)
[Whitehouse News Analysis 4-25-18.docx](#)
[Harris News Analysis 4-25-18.docx](#)

Nancy:

Attached are the Definers responses for signature. Please note that Rep. DeFazio has two.

Thanks—

Ryan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter of December 19, 2017, to the U.S. Environmental Protection Agency (EPA) about a recent purchase order for news analysis. The Administrator asked that I respond on his behalf.

In July 2017, the EPA began acquisition planning to procure real-time coverage of media stories for specific topics, events and announcements relevant to the agency. Definers Public Affairs (Definers) is a provider of news analysis services. Definers offers unique services, including its proprietary Console. The Console is a customizable and personalized interface that gives clients instant access to the most relevant breaking news, and brings together technology and human analysis to real-time actionable intelligence based on the most relevant information. Definers' specialized services also include a searchable database and real-time coverage of media stories for specific topics, events, and announcements that is not found elsewhere. For example, if the Administrator attends an event in any part of the country and it is covered by local television or radio, Definers would be able to provide real-time coverage. The agency was not aware of any other company that provided or had available this feature of real-time coverage for specific events.

The purchase order was awarded to Definers on December 7, 2017. At Definers' request, the EPA terminated the awarded purchase order on December 19, 2017, before any work was initiated. The EPA incurred no costs from the date of award to the date of the termination.

Enclosed, please find copies of documents related to the Definers' contract. We have initiated a centralized search that may also yield documents responsive to your request. We will be in touch if and when responsive documents are available for release. Regarding your questions about Freedom of Information Act requests, please use FOIAonline (<https://foiaonline.regulations.gov/foia/action/public/home>) to locate requests and results of interest.

Internet Address (URL) • <http://www.epa.gov>

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kristien Knapp in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Bowman".

Liz Bowman
Associate Administrator
Office of Public Affairs

Enclosure

cc: The Honorable John Barrasso
Chairman, Committee on Environment and Public Works

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>


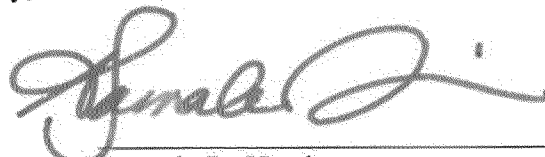
²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,


Sheldon Whitehouse
United States Senator
Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Valentine, Julia[Valentine.Julia@epa.gov]
From: Hassell, Emily
Sent: Thur 3/8/2018 6:43:52 PM
Subject: February Press Releases & Stories
[CLIPS Priorities FEB1-15.docx](#)
[CLIPS Priorities FEB16-28.docx](#)

Hi Nancy,

Attached are the clips from February. There are **60 stories** dealing with priorities. Most coverage went to the Administrator’s travel and other headlines this month.

Press Release numbers:

- HQ:** 29 (English: 24, Spanish: 5)
- Region 1:** 17
- Region 2:** 8 (English: 5, Spanish: 3)
- Region 3:** 3
- Region 4:** 6
- Region 5:** 6
- Region 6:** 3
- Region 7:** 0
- Region 8:** 0
- Region 9:** 4
- Region 10:** 5

Please let me know if there’s any other information you need.

Thanks,
Emily



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter of December 19, 2017, to the U.S. Environmental Protection Agency (EPA) about a recent purchase order for news analysis. The Administrator asked that I respond on his behalf.

In July 2017, the EPA began acquisition planning to procure real-time coverage of media stories for specific topics, events and announcements relevant to the agency. Definers Public Affairs (Definers) is a provider of news analysis services. Definers offers unique services, including its proprietary Console. The Console is a customizable and personalized interface that gives clients instant access to the most relevant breaking news, and brings together technology and human analysis to real-time actionable intelligence based on the most relevant information. Definers' specialized services also include a searchable database and real-time coverage of media stories for specific topics, events, and announcements that is not found elsewhere. For example, if the Administrator attends an event in any part of the country and it is covered by local television or radio, Definers would be able to provide real-time coverage. The agency was not aware of any other company that provided or had available this feature of real-time coverage for specific events.

The purchase order was awarded to Definers on December 7, 2017. At Definers' request, the EPA terminated the awarded purchase order on December 19, 2017, before any work was initiated. The EPA incurred no costs from the date of award to the date of the termination.

Enclosed, please find copies of documents related to the Definers' contract. We have initiated a centralized search that may also yield documents responsive to your request. We will be in touch if and when responsive documents are available for release. Regarding your questions about Freedom of Information Act requests, please use FOIAonline (<https://foiaonline.regulations.gov/foia/action/public/home>) to locate requests and results of interest.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kristien Knapp in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Bowman".

Liz Bowman
Associate Administrator
Office of Public Affairs

Enclosure

cc: The Honorable John Barrasso
Chairman, Committee on Environment and Public Works

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

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¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

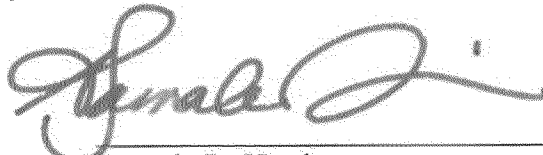
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c) , FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Office of Acquisition Management – Headquarters
Procurement Operations Division
Contractor: Definers Corp

2. **Nature and/or description of the action:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

3. **Description of the Supplies or Services:**

This is a sole source procurement subscription for a media support service. The service provides EPA with: 1) Intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements; 2) access to a searchable database of past media content on EPA issues and topics; 3) a twice-daily compilation of news articles delivered once each business day by e-mail; and 4) high profile, breaking news stories during the day, delivered by e-mail. This service is vital to support the ability of EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage, which in turn supports EPA's ability to accurately provide information to the public on environmental and regulatory matters. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories.

- ✓ Period of performance: One year from date of contract award
- ✓ DUNS: 076234313
- ✓ Proposed Source: Definers Corp.

Contacts:

Joe Pounder, President

Tel. (b)(4)

(b)(4)

(b)(4)

(b)(4)

(b)(4)

4. Authority: [Check appropriate exception.]

[X] Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

5. Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

Definers offers a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

Through the Console, Definers is able to revolutionize the utilization of media clips by implementing:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams.
- Delivered through a proprietary web interface which allows for email distribution as well.

6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:**

A JOFOC and RFI notice will be posted on FedBizOpps (synopsized) and FedConnect for five calendar days.

7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.**

Yes, the CO has determined the cost to be fair and reasonable based on information received from the contractor.

8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:**

Leading providers Cision (www.cision.com), Bulletin Intelligence (www.bulletinintelligence.com), and Critical Mention (www.criticalmention.com) do not provide the combined services sought by EPA's Office of Public Affairs.

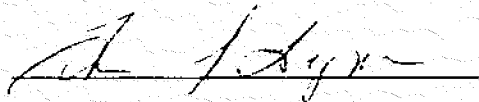
9. **Other facts supporting the use of other than full and open competition.**

Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.

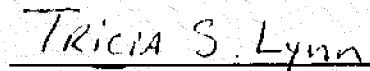
Approvals –

1) Project Officer's Certification

I certify that the facts and representations stated in this justification are complete and accurate which form the basis to award this requirement.



Signature of Technical Officer



Printed name of Technical Officer

Technical Officer's phone number & E-mail address:

202.564.2615 / lynn.tricia@epa.gov

Date: 11/29/2017

2) Contracting Officer's Certification

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Jody Gosnell

Signature of Contracting Officer

Jody Gosnell

Printed name of
Contracting Officer

Contracting Officer's phone number and E-mail address: gosnell.jody@epa.gov
202-564-4353

Date: 11/29/17

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c), FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Office of Acquisition Management - Headquarters
Procurement Operations Division
Contractor: Definers Corp

2. **Nature and/or description of the action:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements; responding to media inquiries; or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

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Period of performance: One year from date of contract award

4. **Authority:** [Check appropriate exception.]

[X] Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

5. **Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**

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Through the Console, Definers is able to revolutionize the utilization of media clips by implementing:

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- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams.
- Delivered through a proprietary web interface which allows for email distribution as well.

6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:**

A JOFOC and RFI notice will be posted on FedBizOpps (synopsized) and FedConnect for five calendar days.

7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.**

Yes, the CO has determined the cost to be fair and reasonable based on information received from the contractor.

8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:**

Leading providers Cision (www.cision.com), Bulletin Intelligence (www.bulletinintelligence.com), and Critical Mention (www.criticalmention.com) do not provide the combined services sought by EPA's Office of Public Affairs.

9. **Other facts supporting the use of other than full and open competition.**

Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Request for Sole Source Purchase Award

FROM: Nancy Grantham, Acting Principal Deputy Associate Administrator
Office of Public Affairs

TO: Jessica Wilson, Contracting Officer
Headquarters Procurement Operations Division, PCSC/OAM (3803r)

DATE: December 7, 2017

This letter serves to justify the sole source purchase of services from Definers for media clip and war rooms media services.

Definers offers intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements. They also provide access to a searchable database of EPA topics and issues while compiling news articles delivered by email daily.

The vendor has a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

This service is vital to EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories. I believe it is of the best value to the agency to pursue this contract.

To: Grogard, Megan[Grogard.Megan@epa.gov]; Jones-Parra, Lisa[Jones-Parra.Lisa@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Williams, Thea
Sent: Wed 1/24/2018 1:47:04 PM
Subject: URGENT: Questions for the Record: 12.7.17 Environment Subcmte Hearing
[12.7.17 QFRs_Pruitt - PROGRAM OFFICES NOTEDcorrectedv1.docx](#)
[ATT00001.htm](#)

The attached Word document are QFRs from the Administrator's Dec 7 HEC hearing (incoming attached). Each question has the program office that is responsible for drafting the response. Where more than one office is indicated, there may require some coordination with the second office listed to ensure a fully accurate response. As the committee has requested a response back by Friday, Feb 2, the deadline for the program responses back to OCIR is no later than 3pm on Friday, Jan 26.
Let me know if you have questions.

Thanks, Thea

Thea Williams

US Environmental Protection Agency

Office of Congressional Affairs & Intergovernmental Relations

202-546-2064

Tracking Number	Type	Phase	Requester	Requester Organization	Submitted
EPA-HQ-2017-002839	Request	Closed	Allan Blutstein	America Rising	1/13/2017
EPA-HQ-2017-003301	Request	Closed	Allan Blutstein	America Rising	1/26/2017
EPA-HQ-2017-003526	Request	Closed	Allan Blutstein	America Rising	2/2/2017
EPA-HQ-2017-005364	Request	Closed	Allan L. Blutstein	America Rising	3/27/2017
EPA-HQ-2017-006323	Request	Assignment	Allan L. Blutstein	America Rising	4/19/2017
EPA-HQ-2017-006363	Request	Closed	Allan L. Blutstein	NTK Network	4/20/2017
EPA-HQ-2017-006735	Request	Closed	Allan L. Blutstein	America Rising	5/1/2017
EPA-HQ-2017-006760	Request	Closed	Allan L. Blutstein	America Rising	5/2/2017
EPA-HQ-2017-006771	Request	Assignment	Allan Blutstein	N/A	5/2/2017
EPA-HQ-2017-006774	Request	Assignment	Allan Blutstein	America Rising	5/2/2017
EPA-HQ-2017-006821	Request	Assignment	Allan L. Blutstein	America Rising	5/3/2017
EPA-HQ-2017-007013	Request	Assignment	Allan Blutstein	Definers Public Aff	5/8/2017
EPA-HQ-2017-007034	Request	Assignment	Allan Blutstein	Definers Public Aff	5/8/2017
EPA-HQ-2017-007173	Request	Assignment	Allan L. Blutstein	Definers Public Aff	5/11/2017
EPA-HQ-2017-007485	Request	Assignment	Allan L. Blutstein	Definers Public Aff	5/18/2017
EPA-HQ-2017-008239	Request	Assignment	Allan Blutstein	Definers Public Aff	6/9/2017
EPA-HQ-2017-010087	Request	Closed	Allan Blutstein	NTK Network	8/2/2017
EPA-R10-2017-005407	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R10-2017-005992	Record	Closed	Allan L. Blutstein	N/A	5/8/2017
EPA-R10-2017-007552	Request	Closed	Allan Blutstein	Definers Public Affa	5/19/2017
EPA-R1-2017-005411	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R1-2017-006731	Record	Closed	Allan L. Blutstein	N/A	5/9/2017
EPA-R1-2017-006759	Request	Closed	Allan L. Blutstein	America Rising	5/2/2017
EPA-R1-2017-007589	Request	Closed	Allan Blutstein	Definers Public Affa	5/22/2017
EPA-R2-2017-005412	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R2-2017-007590	Request	Closed	Allan L. Blutstein	Definers Public Affa	5/22/2017
EPA-R3-2017-005375	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R3-2017-006720	Request	Closed	Allan L. Blutstein	America Rising	5/1/2017
EPA-R3-2017-007549	Request	Closed	Allan Blutstein	Definers Public Affa	5/19/2017
EPA-R3-2017-011881	Request	Assignment	Allan L. Blutstein	America Rising	9/28/2017
EPA-R4-2017-005413	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R4-2017-007551	Request	Closed	Allan Blutstein	Definers Public Affa	5/19/2017
EPA-R5-2017-003495	Record	Closed	Allan Blutstein	N/A	3/27/2017
EPA-R5-2017-003841	Request	Closed	Allan L. Blutstein	America Rising	2/12/2017
EPA-R5-2017-005435	Request	Closed	Allan L. Blutstein	America Rising	3/29/2017
EPA-R5-2017-006721	Request	Closed	Allan L. Blutstein	America Rising	5/1/2017
EPA-R6-2017-005415	Record	Closed	Allan L. Blutstein	N/A	4/13/2017
EPA-R6-2017-007675	Record	Closed	Allan Blutstein	N/A	5/30/2017
EPA-R7-2017-005406	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R7-2017-007591	Request	Closed	Allan Blutstein	Definers Public Affa	5/22/2017
EPA-R8-2017-005403	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R8-2017-007593	Request	Closed	Allan Blutstein	Definer Public Affai	5/22/2017
EPA-R9-2017-005393	Request	Closed	Allan L. Blutstein	America Rising	3/28/2017
EPA-R9-2017-006351	Request	Closed	Allan L. Blutstein	Need To Know Netv	4/20/2017

Due

N/A

N/A

N/A

N/A

9/7/2017

N/A

N/A

N/A

6/8/2018

6/8/2018

6/8/2018

6/15/2017

6/15/2017

6/15/2017

6/20/2017

7/11/2017

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N/A

N/A

N/A

Description/Basis for Appeal

All communications logged/tracked as "congressional correspondence" exchanged between the EPA and Congressional correspondence pertaining to control number AL-16-001-0599, Bill Nelson, U.S. Senate (D-FL).

On February 2, 2017, Politico reported that certain EPA employees may be using non-agency communication devices

All emails sent by Joe Edgell, Office of General Counsel, that mention or refer to Scott Pruitt on February 16, 2017 or F

(1) All emails sent by John Reeder, Acting Chief of Staff, since January 1, 2017, to any individual using one of the follo

All email exchanged between former Administrator Gina McCarthy and any employee at Apple Inc. ("apple.c

All emails exchanged on or after November 7, 2016, between Mike Shapiro, Office of Water, and any individual using

All communications exchanged since November 7, 2016, between Christopher "Chris" Grundler, Office o

1. All communications exchanged since November 7, 2016, between Julia Valentine, Office of Public Affairs, and any i

1. All communications exchanged since November 7, 2016, between Christie St. Clair, Office of Public Affairs, and any

1. All communications exchanged since November 7, 2016, between Enesta Jones, Office of Public Affairs, and any in

1. All emails sent or received by Steve Knizner (Pesticide Programs, Antimicrobials Division) from June 29, 2016, thro

All emails received and sent by the Office of Pesticides Program Ombudsman since May 1, 2016, concerning treating w

All toxicity reviews performed by the Office of Pesticide Programs on any manufacturing use product (MP) antimicro

All emails sent or received by Emily Mitchell, Acting Deputy Director, between June 24, 2016, and July 15, 2016, that m

According to an "OPP Weekly Report," the Antimicrobial Division (AD) met with representatives from th

All emails sent by Elizabeth ("Betsy") Southerland, former director of science and technology at the Offic

All emails sent by Natasha Greaves on December 7, 2016, and February 16, 2017 that mention Scott Pruitt.

RE_ Mike Cox Retirement_ Thanks(21)_Redacted

Any email sent or received by Kelly Mcfadden, Manager, Pesticides and Toxics Unit, that mentions or refers to the AWP

Clarified that requester meant 'Steve Calder'

FW RA Spalding Farewell (2)

All communications exchanged since January 1, 2017, between Deborah "Deb" Szaro and the offices of U.S. S

All emails sent or received by Sharon Hayes, Manager, Toxics and Pesticides Unit, regarding the American Wood Protect

1. All email sent by Anthony Tseng (New York, NY) on December 7, 2016 that mention Scott Pruitt; and 2. All email sent b

Email sent or received by the chief (or director or manager) of the Pesticide Team regarding the American Wood Protect

All email exchanged between Gary Morton (morton.gary@epa.gov) and the office of U.S. Senator Bob Casey (@casey.se

The description of this request is under Agency review.

Any email sent or received by John Butler, Pesticides and Asbestos Programs, that mentions or refers to "AWPA st

Copies of any enforcement actions for Penn Waste, Inc. located in Pennsylvania from 2001 to 2013. The FRS ID number i

1. All email sent by Dr. Priscilla Oliver (Atlanta) on December 7, 2016 that mentions Scott Pruitt; and 2. All email sent by D

Any email sent or received by Kimberly Bingham, Pesticides section chief, that mentions or refers to the "AWPA st

ED_001126_00000065

The description of this request is under Agency review.

Any email sent by Michael J. Mikulka (Chicago) on March 28, 2017 that mentions or refers to: (1) President Trump, or (2)

All email exchanged since April 14, 2017, between Felicia Chase and publicist Joanna Klonsky.

EPA-R6-2017-005415_Redacted

Docs-EPA-R6-2017-007675

All email sent by Lucretia Myers that mentions Scott Pruitt on February 16, 2017, and February 17, 2017.

All email sent or received of Jamie Green, Office of Pesticides Program, regarding the American Wood Protection Associ

(1) All email sent by Britta Copt on February 5, 2017, and February 6, 2017 that mentions Betsy DeVos. (2) All email sent

All email sent or received by Melanie Wood, Director of Partnerships & Environmental Stewardship Program, regar

Any email sent or received by attorney Thelma Estrada on February 16, 2017 or February 17, 2017 that mentions Scott P

All email exchanged between Acting Administrator Alexis Strauss and Lisa Jackson ("lisa_jackson@apple.com" and

U.S. Senator Robert “Bob” Casey of Pennsylvania since January 1, 2016.

or applications to discuss agency business. See <http://www.politico.com/story/2017/02/federal-workers-signal-app> February 17, 2017.

wing domain email addresses: (a) @nytimes.com; (b) @eenews.net; (c) @washpost.com; or (d) @nrdc.org; (2) All email addresses; from July 1, 2016, through January 20, 2017.

one of the following email domain addresses: (1)@suntimes.com; (2)@huffingtonpost.com; (3) @washpost.com; (4) f Transportation and Air Quality, and any individual using one of the following email domain addresses: (1) @suntimes.com; (2) @huffingtonpost.com; (3) @w individual using one of the following email domain addresses: (1) @suntimes.com; (2) huffingtonpost.com; (3) @wa individual using one of the following email domain addresses: (1) @suntimes.com; (2) @huffingtonpost.com; (3) @wa ugh July 15, 2016, that discuss the “AWPA Standard” for treating wood with copper. 2. All emails sent or ood with copper.

bial wood preservative since January 1, 2016.

ention or refer to AWP standard regarding treating wood with copper.

e treated wood industry on August 16, 2016, to discuss certain AWP guidance. See attachments. This request seeks e of Water, that mention or refer to her departure from the agency. The time period of the requested records is July

standard for treating wood with copper.

enator Sheldon Whitehouse (“@whitehouse.senate.gov”) or U.S. Senator Elizabeth Warren (“@warren ion Association (AWPA) standard for preserving wood with copper. The time period of the request records is June 1, 201 y Mr. Tseng on March 28, 2017, that mention or refer to President Trump.

ion Association (AWPA) standard for treating wood for copper. The timeframe for this request is June 1, 2016, to the pre nate.gov) since February 1, 2017.

andards” regarding treating wood with copper. The timeframe of this request is June 24, 2016, to the present. s 110022807550.

r. Oliver on March 28, 2017 that mentions President Trump.

andard” for treating wood with copper. The timeframe of this request is June 1, 2016, to the present.

the “Clean Power” plan.

ation (AWPA) regarding the treatment of wood with copper. The timeframe of this request is June 1, 2016, to the presen by Britta Copt on December 7, 2016, that mentions Scott Pruitt.

ding the American Wood Protection Association (AWPA) standard for treating wood with copper. The timeframe of this r ruit, excluding news articles.

t;) between October 1, 2016, and March 1, 2017.

-234510. in light of these circumstances, which may violate the Federal Records Act, I hereby request copies of any e-mails received by Mr. Reeder since January 1, 2017, from any individual using an email domain address listed in item o

) @thehill.com; (5) @talkingpointsmemo.com; (6)@eenews.net; (7) @politico.com; (8) @msnbc.com; (9) @cbsnews
es.com; (2) @huffingtonpost.com; (3) @washpost.com; (4) @thehill.com; (5) @eenews.net; (6) @politico.com; (7)@
ashpost.com; (4) @thehill.com; (5) @eenews.net; (6) @politico.com; (7)@talkingpointsmemo.com; (8) @msnbc.com
shpost.com; (4) @thehill.com; (5)@talkingpointsmemo.com; (6) @eenews.net; (7) @politico.com; (8) @msnbc.com;
shpost.com; (4) @thehill.com; (5) @talkingpointsmemo.com; (6) @eenews.net; (7) @politico.com; (8) @msnbc.com
received by Jack Housenger (Director, Pesticide Programs) from June 24, 2016, through July 15, 2016, that discuss th

access to following records concerning that meeting: (1) meeting notes, minutes, agendas, invitations, attendance s
24, 2017, through August 1, 2017.

.senate.gov").

6, to the present.

sent.

t.

request is June 1, 2016, to the present.

mail sent or received by the Inspector General or the Assistant IG for Investigations on February 2, 2017, that mention above.

.com; or (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails received by M talkingpointsmemo.com; (8) @msnbc.com; (9) @cbsnews.com; or (10) @nbcnews.com. Please note that this request ; (9) @cbsnews.com; and (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails ; (9) @cbsnews.com; or (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails ; (9) @cbsnews.com; and (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails e "AWPA Standard" for treating wood with copper.

heet, and after-action reports or memoranda; and (2) email exchanged since June 24, 2016, between Koppers ("

ns or refers to the above-referenced Politico article.

r. Shapiro directly from a listserv.

t does not seek widely-disseminated emails received by Mr. Grundler directly from a listserv.

ils received by Ms. Valentine direct from a listserv. 2. All communications exchanged since January 1, 2017, between
received by Ms. St. Clair directly from a listserv. 2. All communications exchanged since January 1, 2017, between M
il received by Ms. Jones from a listserv. 2. All communications exchanged since January 1, 2017, between Ms. Jones a

t;@koppers.com") and Steve Knizner, Diane Isbell, Laura Parsons, or Emily Mitchell, or any AD employee who a

Ms. Valentine and the staff of U.S. Senators Tom Carper ("@carper.senate.gov"), Sheldon Whitehouse (s. St. Clair and the staff of U.S. Senators Tom Carper ("@carper.senate.gov"), Sheldon Whitehouse (&qund the staff of U.S. Senators Tom Carper ("@carper.senate.gov"), Sheldon Whitehouse ("@whiteh

ttended the above meeting.

**"@whitehouse.senate.gov"), or Elizabeth Warren ("@warren.senate.gov").
ot;@whitehouse.senate.gov), or Elizabeth Warren ("@warren.senate.gov").
ouse.senate.gov"); or Elizabeth Warren ("@warren.senate.gov").**



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract¹ ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."² While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,³ I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.⁴ According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".⁵

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.⁶ However, in a news article,

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

² *Id.*

³ Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

⁴ EPA Award, *supra* note 1.

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

⁶ EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”⁷ This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”⁸ which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.⁹ I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.¹⁰ Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut¹¹—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”¹² Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

⁷ Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

⁸ *See id.*

⁹ Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

¹⁰ *See* <https://americarisingpac.org/>

¹¹ *See* <https://reclaimct.com/about-us/>

¹² *See* <http://arsquared.org/energy/>

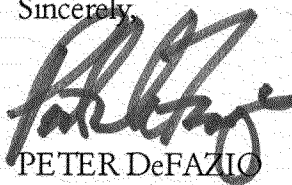
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO
Ranking Member

Congress of the United States
House of Representatives
Washington, D.C. 20515
January 5, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract¹ (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”² The awarding of this contract without full and open competition³ to a company with no apparent experience in providing these services to a Federal agency⁴ is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.⁵ While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.⁶ Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

² *Id.*

³ *Id.*

⁴ Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

⁶ EPA Award, *supra* note 1.

compilation.”⁷ Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”⁸

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,⁹ a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.¹⁰

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

⁷ Devin Henry, *supra* note 5.

⁸ Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

⁹ Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

¹⁰ *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.¹¹ EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

¹¹ Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



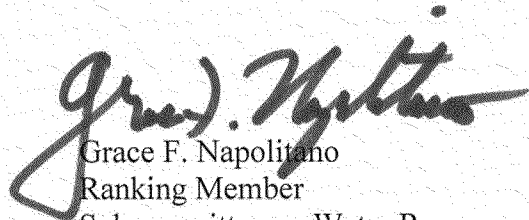
Franks Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Peter DeFazio
Ranking Member
Committee on Transportation
and Infrastructure



Paul D. Tonko
Ranking Member
Subcommittee on Environment
Committee on Energy and Commerce



Grace F. Napolitano
Ranking Member
Subcommittee on Water Resources
and Environment
Committee on Transportation
and Infrastructure



Betty McCollum
Ranking Member
Subcommittee on Interior,
Environment and Related Agencies
Committee on Appropriations

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

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As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

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6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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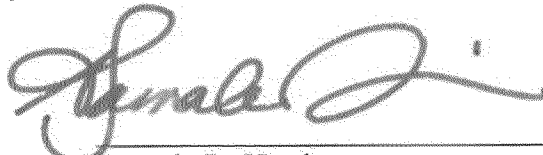
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Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



Sheldon Whitehouse
United States Senator



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United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

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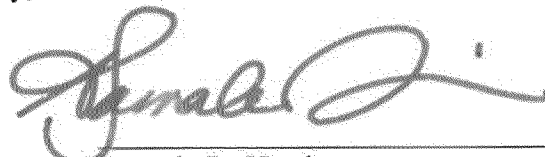
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Sheldon Whitehouse
United States Senator
Kamala D. Harris
United States Senator

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To: Richardson, RobinH[Richardson.RobinH@epa.gov]; Aarons, Kyle[Aarons.Kyle@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Yaeger, Ryan[Yaeger.Ryan@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]
From: Lyons, Troy
Sent: Tue 12/19/2017 4:15:51 PM
Subject: FW: Letter to Administrator Pruitt
2017 12 19 Scott Pruitt Definers.pdf

New incoming

From: Ferrato, Margaret (Whitehouse) [mailto:Margaret_Ferrato@whitehouse.senate.gov]
Sent: Tuesday, December 19, 2017 11:10 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Dudis, Dan (Whitehouse) <Dan_Dudis@whitehouse.senate.gov>; Gaeta, Joe (Whitehouse) <Joe_Gaeta@whitehouse.senate.gov>
Subject: Letter to Administrator Pruitt

Hello Troy,

I hope you're well! Attached is a letter to Administrator Pruitt from Senators Whitehouse and Harris. Don't hesitate to be in touch with any questions.

Best,
Maggie

Margaret Ferrato
Associate Legislative Assistant
Office of Senator Sheldon Whitehouse
530 Hart Senate Office Building
Washington, DC 20510
(202) 224-6564

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

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Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

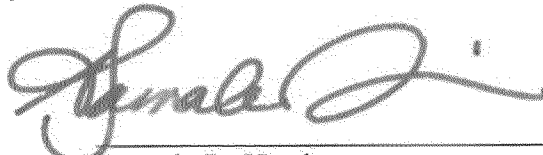
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

United States Senate

WASHINGTON, DC 20510

June 19, 2018

Administrator Scott Pruitt
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Pruitt:

We again write to you regarding the Environmental Protection Agency's decision to award a no-bid contract to Definers, a consulting firm that shares leadership staff, and office space with America Rising, a political action committee (PAC) which was active in supporting your confirmation as Environmental Protection Agency (EPA) Administrator. This contract is deeply concerning because it suggests a quid pro quo and would seem to violate the law, as outlined below.

On December 19, 2017, we first wrote to you inquiring about this contract with Definers for media clipping services. On April 27, 2018, EPA responded and your response included documents related to the now-cancelled Definers no-bid contract. On May 11, 2018, EPA staff attempted to answer questions from our staff in a phone call regarding the documents provided in EPA's April 27 response. Despite these disclosures and discussions, key facts about this how this contract was awarded remain unknown.

I. How was Definers identified as the contractor of choice?

EPA provided one email chain related to the Definers contract; the first of these emails is dated November 2, 2017. While parts of these emails have been redacted, the first email in this chain mentions a "JOFOC" or Justification for Other than Full and Open Competition, indicating that EPA had already chosen a contractor. A November 13, 2017 email in the chain identifies Definers as the contractor.

Government contracts are not awarded without prior discussion and thorough deliberation, so we find it hard to believe that the first email mention of Definers at EPA occurred after Definers had already been chosen. "Definers" is a rarely used word, so it should be straightforward for your staff to obtain all emails in which Definers the company is mentioned.

During our May 11, 2018 phone call with EPA career staff, we were told that EPA's contract with Bulletin Intelligence was cancelled in early 2017 at the direction of President Trump's EPA beachhead team because it "wasn't meeting their needs." EPA career staff further advised us that your public affairs team first "made [them] aware" of Definers and its media clipping services. Career staff stated they were be unable to recall who on your team told them about Definers and what specific instructions they were given.

Documents provided (and not provided) by EPA and statements by career staff seem to indicate that the decision to hire Definers was driven by political appointees. Given the fact that Definers shares executives and leadership with America Rising, which bankrolled a campaign supporting your confirmation as EPA Administrator, a decision to steer a contract outside the typical contracting

process to Definers would seem to violate Subpart 3.101-1 of the Federal Acquisition Regulation (“The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships”) and Title 5 of the Code of Federal Regulations Section 2635.101(b)(8) (“Employees shall act impartially and not give preferential treatment to any private organization or individual”).

II. Does Definers offer unique services that would justify EPA’s decision to forego competitive bidding for this contract?

In our December 19 letter, we asked you to explain what “provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers.” In EPA’s April 27 response, Liz Bowman, your former Associate Administrator for the Office of Public Affairs, attempted to justify the no-bid nature of the Definers contract by writing that “Definers offers unique services” and “[EPA] was not aware of any other company that provided or had available this feature of real-time coverage for specific events.”

Among the documents provided with EPA’s April 27 response is a JOFOC dated November 29, 2017 (Attachment II). In this document, EPA lists the following “unique qualifications” that “require” the use of the only one responsible source exception to competitive bidding practices:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer’s areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that “[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA’s Office of Public Affairs.” During the May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers’ services, particularly its claimed ability to provide clips in “near live-time,” but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision’s clients may also log into their “my coverage” portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision’s representative confirmed that it offers all of the functionalities listed in the JOFOC as “unique” to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer “near live-time” capabilities. According to its website, its dashboard provides links to “24/7

breaking news” of interest to its clients.¹ Bulletin Intelligence’s description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage “one minute after it appears – more than 8 times faster than the industry standard” on an “all-in-one platform” that offers “real-time media monitoring.”² Its description of its services also seems to match most of the functionalities listed in the JOFOC as “unique” to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be “unique” to Definers. These companies include Metro Monitor (“[r]eceive reports of your media coverage as it happens”³) and Universal Information Services (“[r]eceive scheduled or near real-time e-mail notifications when your stories air”⁴).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers’ own representations about its services. The JOFOC description of Definer’s “unique qualifications” appears to have been copied almost verbatim from Definers’ promotional materials. It is replete with words such as “proprietary” and “customers” that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled “[o]ther facts supporting the use of other than full and open competition,” EPA staff wrote:

“Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.”

EPA staff also relied on Definers’ representations with respect to the reasonableness of the services’ cost. The JOFOC states that “the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*” (emphasis added). An email dated November 13, 2017 further states that staff are “still waiting for a bit of information *from Definers* to complete the JOFOC” (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA’s proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA’s willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original

¹ News Analysis, Bulletin Intelligence, <http://www.bulletinintelligence.com/newsanalysis.aspx> (viewed on June 6, 2018)

² Media Monitoring, Critical Mention, <http://www.criticalmention.com/media-monitoring/> (viewed on June 6, 2018).

³ Media Monitor Pro, Metro Monitor, <https://metromonitor.com/services/media-monitor-pro/> (viewed on June 6, 2018)

⁴ Services, Universal Information Services, <https://universal-info.com/services/> (viewed on June 6, 2018)

letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

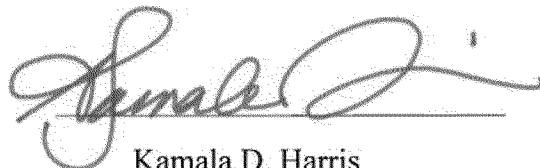
1. Who on your team made career staff "aware" of Definers?
2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you "care so much about taxpayer money."⁵ EPA's decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter. Should you have any questions, please do not hesitate to contact our staff, Dan Dudis at Dan_Dudis@whitehouse.senate.gov and Monica Pham at Monica_Pham@harris.senate.gov.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

⁵ Kevin Bogardus, "Pruitt: 'I care so much about taxpayer money,'" E&E News (May 31, 2018), https://www.eenews.net/greenwire/stories/1060083117/most_read

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Gomez, Laura[Gomez.Laura@epa.gov]
From: Moody, Christina
Sent: Fri 1/26/2018 3:41:05 PM
Subject: FW: Questions for the Record: 12.7.17 Environment Subcmte Hearing - DUE TODAY COB (4PM)
[12.7.17 QFRs Pruitt.pdf](#)
[ATT00001.htm](#)
[12.7.17 QFRs Pruitt - PROGRAM OFFICES NOTEDcorrectedv1.docx](#)
[ATT00002.htm](#)

Hello,

Earlier this week, you should have received the attached documents from Laura Gomez requesting responses by COB today. I am following up to check on the status your back to OCIR for review.

Please provide an update as to when we can expect your drafts. Please note that today is a hard deadline.

Thanks in advance for your help!

Christina J. Moody
US Environmental Protection Agency
Office of Congressional Affairs & Intergovernmental Relations
Moody.Christina@epa.gov

To: Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Grogard, Megan[Grogard.Megan@epa.gov]; Jones-Parra, Lisa[Jones-Parra.Lisa@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Williams, Thea[Williams.Thea@epa.gov]
From: Moody, Christina
Sent: Fri 1/26/2018 3:17:39 PM
Subject: FW: Questions for the Record: 12.7.17 Environment Subcmte Hearing - DUE TODAY COB (4PM)
[12.7.17 QFRs_Pruitt.pdf](#)
[ATT00001.htm](#)
[12.7.17 QFRs_Pruitt - PROGRAM OFFICES NOTEDcorrectedv1.docx](#)
[ATT00002.htm](#)

Hello,

Earlier this week, you should have received the attached documents from Thea Williams requesting responses by COB today. She is out today, so I am following up to check on the status your back to OCIR for review.

Please provide an update as to when we can expect your drafts. Please note that today is a hard deadline.

Thanks in advance for your help!

Christina J. Moody
US Environmental Protection Agency
Office of Congressional Affairs & Intergovernmental Relations
Moody.Christina@epa.gov